



## On Taxation Without Representation (1765)

Patrick Henry and Soame Jenyns

In 1763, at the end of the French and Indian War, the British found themselves with an enlarged North American empire. In order to pay the costs of maintaining its vast lands, the British government imposed a series of taxes on its colonies. It also decided to strictly enforce the Navigation Acts. These laws, some of which dated to the 1600s, regulated what colonists could manufacture themselves, what they must import, and what they could export. The regulations were meant to enrich Britain at the expense of its colonists. In enforcing the laws, certain rights of British citizens, such as trial by jury, were ignored.

As Parliament passed the Sugar Act of 1764 and the Stamp Act of 1765, many colonists could no longer sit in silence. Soon cries of “no taxation without representation” went up. These colonists argued that since Parliament had passed the taxes and they had no representation in Parliament, the taxes could not be applied to them. Only their own colonial legislatures could tax them. Patrick Henry, Patriot and orator, expressed this objection to the Stamp Act in Document A, an excerpt from a debate about the Stamp Act that took place in the Virginia House of Burgesses. Document B is an excerpt by Soame Jenyns, a member of the British Parliament. He addressed the main point—whether British citizens could be taxed without representation.

### A. Patrick Henry in the Virginia House of Burgesses, 1765

... *[Resolved]* That by two royal charters granted by King James the first the Colonists aforesaid are declared intituled [entitled] to all the Priviledges [privileges], Liberties & Immunities of Denizens [naturalized citizens] and natural-born Subjects to all Intents and

Purposes as if they had been abiding and born within the Realm of England.

*Resolved* That the Taxation of the People by themselves or by Persons chosen by themselves to represent them who can only know what Taxes the People are able to bear and the easiest Mode of raising them and are equally affected by such Taxes themselves is the distinguishing Characteristick [characteristic] of British Freedom and without which the ancient Constitution cannot subsist [survive].

*Resolved* That his Majestie's [Majesty's] liege [loyal] People of this most ancient Colony have uninterruptedly [without interruptions] enjoyed the Right of being thus governed by their own assembly in the article of their Taxes and internal Police, and that the same hath never been forfeited [given up] . . . but hath been constantly recognized by the Kings & People of Great Britain.

*Resolved* Therefore that the General Assembly of this Colony have the *only and sole exclusive* Right & Power to lay Taxes & Impositions upon the Inhabitants of this Colony and that every Attempt to vest such Power in any Person or Persons whatsoever other than the General Assembly Aforesaid has a manifest Tendency to destroy British as well as American Freedom.

## B. Soame Jenyns Refutes "No Taxation Without Representation," 1765

. . . [T]hat no Englishman is or can be taxed but by his own consent as an individual: this is so far from being true, that it is the very reverse of truth, for no man that I know of is taxed by his own consent; and an Englishman, I believe, is as little likely to be so taxed, as any man in the world. . . .

[T]hat no Englishman is, or can be taxed, without the consent of the majority of those, who are elected by himself, and others of his fellow-subjects, to represent them. This is certainly as false . . . ; for every Englishman is taxed, and not one in twenty represented: copyholders [a type of land renters], leaseholders [another type of renters], and all men possessed of personal property only, chuse [choose] no representatives: Manchester, Birmingham, and many more of our richest and most flourishing trading towns send no

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members to parliament, consequently cannot consent by their representatives, because they chuse none to represent them; yet are they not Englishmen? or are they not taxed?

I am well aware, that I shall hear [John] Locke . . . and many other great names quoted, to prove that every Englishman, whether he has a right vote for a representative or not, is still represented in the British parliament; in which opinion they all agree: on what principle of common sense this opinion is founded I comprehend not, but on the authority of such respectable names I shall acknowledge its truth; but then I will ask one question, and on that I will rest the whole merits of the cause: Why does not this imaginary representation extend to America as well as over the whole island of Great Britain? If it can travel three hundred miles, why not three thousand? if it can jump over rivers and mountains, why cannot it sail over the ocean? If the towns of Manchester and Birmingham sending no representatives to parliament, are notwithstanding there represented, why are not the cities of Albany and Boston equally represented in the assembly? Are they not alike British subjects? are they not Englishmen? or are they only Englishmen when they solicit [ask] for protection, but not Englishmen when taxes are required to enable this country to protect them? . . .

## Review Questions

1. How did the French and Indian War lead to higher taxes for the British colonies?
2. How did Patrick Henry back up his claim that American colonists had the same "privileges, liberties and immunities" that people living in Great Britain had?
3. Why did Henry claim that only representatives chosen by the American colonists had the right to decide how American colonists should be taxed?
4. What evidence, if any, did Henry give in his resolutions that British citizens living in Great Britain could not be taxed without representation?
5. Why did Soame Jenyns say that the American claim that British citizens living in Great Britain could not be taxed without representation was inaccurate?

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6. *How might the colonists apply the old adage "two wrongs do not make a right" to Jenyns's argument that the British towns of Manchester and Birmingham paid taxes without being represented in Parliament?*
7. *Compare and contrast the two sets of arguments in the excerpts A and B, and explain with which set of arguments you would have agreed.*
8. *Why is Patrick Henry considered a significant figure in history while Soame Jenyns is relatively unknown?*



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